city streets. *Lange* v. *La Crosse, etc., Co.*, 95 N. W. Rep. 952 (Wis.). Wisconsin cases on this subject are, however, of doubtful value, since no case in that jurisdiction has decided that ordinary electric roads are not added burdens. On principle the same test should apply to both city streets and country roads. The test proposed by Mr. Dowling appears to be a satisfactory one.

THE PROBATION SYSTEM. — It is said in a recent article that the probation system, existing in several states of this country, is now under official discussion in England. *The "Probation System" in the United States*, Anon., 114 L. T. 407 (Feb. 28, 1903). Under the Massachusetts system, which is described as typical, a convicted criminal is not sentenced, when the chances of his reformation are good, as in a case of a first offense, but is released on condition that for a stated period he lead an orderly life within certain conditions imposed by the judge. If these conditions are not observed, the offender is rearrested and sentenced.

It is interesting to consider the justification for this practice under the different theories of punishment. Probably the oldest idea is that punishment is founded on vengeance. Being supported entirely by emotion, it would seem impossible to ascertain by reason or experiment whether any particular system of punishment follows this theory. But the probation system, which omits the penalty entirely in certain cases, could hardly rest upon any doctrine founded solely on the desire for revenge. The closely related theory of "retribution" reduced to its lowest terms is that the injury to society plus an equal injury to the individual leaves nobody injured. WHAR. CR. L., Chap. I. This doctrine requires some degree of punishment, and would seem to afford no foundation for the system under discussion. A more modern and more satisfactory theory is that society punishes crime to prevent crime. HOLMES COM. L. 43; 64 Am. St. Rep. 378, note. Whether society in seeking to prevent crime is acting from a desire to protect itself or from other reasons, is an ethical question of little practical importance to law-makers. In any case under this theory the object of the punishment is to reduce the chances of a repetition of the criminal act. This gives a practical test to apply in determining the proper penalty, and would seem to completely justify the probation system.

It has been suggested by scientific writers that all crime is but the result of a diseased condition. ROSENBERG AND ARONSTAM'S SOCIOLOGIC STUDIES, Chap. I. The probation system seems to follow this, and seeks to apply a rational restraint upon the criminal. Just as the medical profession of to-day treat many diseases by merely prescribing a hygienic life, so the law-makers under this system, by compelling a period of law-abiding, seek to eradicate the criminal tendency. The system is furthermore in line with other modern changes in inflicting punishments. Statutes are generally prevalent seeking to encourage good behavior in a convicted criminal by granting a deduction from the sentence, and certain jurisdictions have adopted the indeterminate sentence law. ILL. STS. (*Starr & Curtis*) § 646; IND. ACTS, 1897, p. 219.

The theory of probation, that crimes are sometimes best prevented by omitting the punishment, seems sound and, according to the article under discussion, the results attained in Massachusetts are highly satisfactory. Should England adopt it, she will be acting along the lines of modern development, looking to a more carefully graded and more rational system of punishment.

THE DECISION IN THE MERGER CASE. By J. H. Thorndike. Boston: Little, Brown and Company. 1903. pp. 36. 8vo.

This is a review of the decision of the circuit court in the case of the United States *v.* Northern Securities Co. The chief function of the pamphleteer, in the discussion of great problems like this of the extent of the law against monopoly, is to make plain the issues upon which the final decision must depend.

These issues Mr. Thorndike states with great skill, with such astuteness indeed that those who support the decision of the court can no longer do so by generalities. This is true as to the principal point in his thesis. Mr. Thorndike states that a combination may destroy competition and yet not restrain trade (p. 6). Even when that very proposition is taken as the basis for argument, is it the fact that the cases bear him out? It is submitted that of the variety of cases having more or less to do with the point at issue those dealing with the construction of the original trusts bear most closely upon the formation of this securities company. In both instances the separate corporations were left in existence; indeed they entered into no agreement between themselves, and therefore all that bound them together was the fact that there was a central body to which most of the shares had been made over by the shareholders. The defense of these first trusts was based upon the chief argument of Mr. Thorndike, that the different corporations remained in existence (p. 17). But the courts could not be made to believe that they could be independent. After all, that is what our law requires, that there shall be no suppression of competition by any process whatsoever. It is no answer to say that a single company might originally have constructed and owned both railroads (p. 33).

B. W.

CASES ON CRIMINAL LAW. By Jerome C. Knowlton. Chicago: Callaghan & Co. 1902. pp. xi, 397. 8vo.

This work consists of an outline of Criminal Law containing eighty-eight subtopics, in illustration of each of which one case is given. The book seems to be intended rather to supplement a knowledge of the subject, gained primarily through the text-book system, by presenting illustrations of some of its leading principles, than to enable the student to discover principles through a comparison of different instances of their application.

The value of a case-book depends entirely upon the choice and arrangement of the cases. With one exception the cases collected in this book are decisions of American courts, and the selection is in general good. The outline is in some particulars open to criticism. In the chapter on "Conditions of Criminality," the topics "The person must have acted voluntarily" and "There must be criminal intent" are made co-ordinate, while it is clear that the former should be a subdivision of the latter, since coercion justifies a criminal act only as it negatives criminal intent. And the propriety of grouping "Corporations" with "Principals" and "Accessories" as one of the main divisions of the chapter on "Parties to Crime," may also be questioned. The difficulty in the production of such a book as this can hardly be great, still the author has in general done his work thoroughly and scientifically.

A MANUAL OF MEDICAL JURISPRUDENCE, INSANITY, AND TOXICOLOGY. By Henry C. Chapman. Third edition. Philadelphia, New York, London: W. B. Saunders & Co. 1903. pp. 329. 8vo.

This work is based on a series of lectures delivered by the author to the students of the Jefferson Medical College. It is, therefore, a treatise designed rather for the physician than for the practicing attorney. The latter, it is thought, would have little occasion to use it; for in the conduct of cases requiring a knowledge of medicine the attorney would desire a larger and fuller treatment of the particular branch involved, while the legal information contained in this volume is of too general a character to be of great service. To the coroner, however, and more particularly to the coroner's physician, for whom it is especially designed, the work will serve as an admirable hand-book. It contains much practical advice concerning matters which such a physician should investigate preparatory to serving as an expert witness in any particular case, and concerning the best ways and means of determining the facts